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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF OREGON

9 KAREN GREENE,)
10 Plaintiff,) Civil No. 07-1414-HU
11 vs.)
12 SOUTHEAST PORTLAND ANIMAL) OPINION AND ORDER
13 HOSPITAL et al.,)
14 Defendants.)
_____)

15 KING, District Judge:

16 The matter before the court is plaintiff Karen Greene's
17 application to proceed *in forma pauperis*.

18 An examination of the application reveals that plaintiff is
19 unable to afford the costs of this action. Accordingly, IT IS
20 ORDERED that the provisional *in forma pauperis* status given the
21 plaintiff is confirmed. This action may go forward without the
22 payment of fees or costs. However, for the reasons set forth
23 below, plaintiff's complaint is dismissed, without service of
24 process, because the face of the complaint shows that this court
25 lacks jurisdiction over plaintiff's claims.

26 Pursuant to the federal *in forma pauperis* statute, codified
27 at 28 U.S.C. § 1915(d), the court is authorized to dismiss an *in*
28 *forma pauperis* complaint before service of process if the

1 complaint fails to state a claim for which relief may be granted.
2 Neitzke v. Williams, 490 U.S. 319, 327 (1989).

3 Plaintiff has filed a complaint for veterinary medical
4 malpractice, negligence, mistreatment of animals, neglect,
5 outrageous conduct and "other charges." In lieu of allegations
6 and a prayer for relief, the complaint says, "See attached list
7 of defendants, see attached Exhibit A."

8 Exhibit A to the complaint is an order dated August 22,
9 2007, from the Oregon Supreme Court, in Oregon Supreme Court No.
10 S054873. The order states that petitioner's motion combining a
11 request for leave to file an amended petition [for] review and
12 for an extension of time to file the amended petition for review
13 is denied. The caption of the order lists defendants named in
14 this case, including Southeast Portland Animal Hospital,
15 Northwest Veterinary Specialists, Hawthorne Pet & Animal Clinic,
16 aka Holistic Pet & Vet Clinic, Jeffrey Judkins, and Robert
17 Ulbrich.

18 Plaintiff's citation to Exhibit A in the complaint indicates
19 that the instant case is an appeal from the Oregon Supreme
20 Court's order. This court has no subject matter jurisdiction over
21 such a claim.

22 Federal courts are courts of limited jurisdiction. The
23 court's power to adjudicate claims is limited to that granted by
24 Congress. Nieto v. Ecker, 845 F.2d 868, 871 (9th Cir. 1988).
25 Unless a grant of jurisdiction over a particular case
26 affirmatively appears, the court is presumed to lack
27 jurisdiction. Kokkonen v. Guardian Life Ins. Co. of America, 511
28 U.S. 375, 376-78 (1994).

1 As a court of original jurisdiction, the district court has
2 no authority to review the final determinations of a state court
3 in judicial proceedings. Worldwide Church of God v. McNair, 805
4 F.2d 888 (9th Cir. 1986).

5 The motion to proceed *in forma pauperis* is GRANTED, and the
6 action is DISMISSED.

7 IT IS SO ORDERED.

8 Dated this 22nd day of October, 2007.

9
10 /s/ Garr M. King

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Garr M. King
12 United States District Judge
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